

**STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON
PROPOSED BILL 6157
AN ACT CONCERNING PERSONALLY IDENTIFYING INFORMATION ON
CERTIFICATIONS OF MARRIAGE AND DEATH**

February 26, 2013

The Freedom of Information Commission would like to take this opportunity to comment on Proposed Bill 6157, An Act Concerning Personally Identifying Information on Certifications of Marriage and Death.

The Proposed Bill recommends that:

- personally identifying information on marriage certifications must be redacted before being provided to requesters who are not parties to the marriage, and
- personally identifying information on death certifications must be redacted before being provided to requesters who are not family members, funeral homes making arrangements for family members, or physicians of the deceased person.

The stated purpose of the proposed bill is to “protect against identity theft,” and “to provide confidentiality while ensuring appropriate public access to vital records.” Death and marriage certifications have been publicly available for years, except for the “administrative purposes” section on such certifications. Clearly, there is public interest in the certificates. For example, the Hartford Courant used information gathered from death certificates in its investigation of deadly restraints. Researchers may use death certificates in compiling information on cancer clusters or other causes of death. Certainly, genealogists require access to death and marriage certificates in their work. With respect to marriage certificates, it should be noted that marriage itself is a public act, requiring the issuing of a government license after the parties to the marriage certify that they are eligible to marry under the laws of the state. A marriage certificate is evidence that the process was followed and that the persons who actually did marry were eligible to do so. As with any other governmental licensing process, the public has always had the right to ensure that the process works, through transparency.

Why, now, is there a suggestion that release of these public records will lead to identity theft? The impetus of the bill seems, rather, to derive from an inordinate amount of requests for death certificates received by the local registrar of vital records from the media in the wake of the horrific tragedy in December in Newtown.

Mindful of how distressing it may have been for the local clerk to process many media requests during an emotionally upsetting time, questions remain. What actual harm came from the disclosure of these public records to the media? Are there other ways to address any such identifiable harm? Is it necessary to undo decades of accessibility because of a unique set of circumstances? Why are marriage certificates now also included in the proposal?

In addition, the wording of the proposal leads to questions. What types of information will be considered “personally identifiable?” Who would make the determination? Would it be the individual registrars, the Department of Public Health, or the General Assembly?

The FOIC asks that you consider carefully before closing public access to vital records without sufficient reason. Based on past experience, the Commission notes that once a category of records is closed, it is seldom, if ever, reopened.

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